

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

601 NEW JERSEY AVENUE, NW

SUITE 9500

WASHINGTON, DC 20001

July 13, 2005

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA)

v.

WAKE STONE CORPORATION

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Docket No. SE 2004-185-M
A.C. No. 31-02071-26994

ORDER

On June 29, 2005, the Secretary of Labor filed a motion to dismiss this appeal as moot because the Secretary has vacated the citation that formed the basis for this case. Upon consideration of the Secretary's motion to dismiss, we hereby grant the motion. The direction for review in this case is vacated.

Michael F. Duffy, Chairman

Mary Lu Jordan, Commissioner

Stanley C. Suboleski, Commissioner

Michael G. Young, Commissioner

Distribution

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